

REMARKS

Amendments to the Claims:

Claims 1, 78 and 79: References to “aroyl” and “heteroaroyl” have been deleted from the definitions of R²⁸ and R⁴³. As noted by the Examiner, inclusion of “aroyl” and “heteroaroyl” alongside “acyl” in these definitions is redundant since “acyl” encompasses both “aroyl” and “heteroaroyl” moieties. Indeed, as defined in these claims an “acyl” moiety is “an -OCR group where R is an [...] aryl, or heteroaryl moiety”. An “aroyl” moiety is thus an acyl where R is aryl while a “heteroaroyl” moiety is an acyl where R is heteroaryl. For these reasons, it will be appreciated that cancellation of “aroyl” and “heteroaroyl” from these definitions makes no difference whatsoever to the scope of the claims. For purposes of completeness, Applicant has added new dependent claim 91 that refers to “aroyl or heteroaroyl” instead of “acyl”.

Claim 80: For the same reasons as above, references to “aroyl” and “heteroaroyl” have been deleted from the definition of R²⁸. For purposes of completeness, Applicant has added new dependent claim 92 that refers to “aroyl or heteroaroyl” instead of “acyl”.

Claims 84-85: For the same reasons as above, references to “aroyl” and “heteroaroyl” have been deleted from the definition of R⁴³. For purposes of completeness, Applicant has added new dependent claim 93 that refers to “aroyl or heteroaroyl” instead of “acyl”. The definition of “acyl” has also been moved upwards so that the definitions of “aliphatic”, “acyl”, “heteroaliphatic”, “aryl” and “heteroaryl” are in a logical sequence.

Claim 86: For the same reasons as above, reference to “acyl” has been deleted from the definition of R⁴³ (reference to “aliphatic” has also been deleted since R⁴³ is limited to aroyl or heteroaroyl in this claim). Definitions of aroyl and heteroaroyl have been added for clarity while redundant definitions of aliphatic, heteroaliphatic and acyl have been deleted.

Claim 87: This claim has been simplified by making it depend from claim 85.

Claim 88: For the same reasons as above, references to “aroyl” and “heteroaroyl” have been deleted from the definition of R⁴³ (reference to “aliphatic” has also been deleted since R⁴³ is limited to acyl in this claim). The definition of “acyl” has also been moved upwards so that the definitions of “acyl”, “aliphatic”, “heteroaliphatic”, “aryl” and “heteroaryl” are in a logical sequence. For purposes of completeness, Applicant has added new dependent claim 94 that refers to “aroyl or heteroaroyl” instead of “acyl”.

Rejection under 35 U.S.C. § 112, second paragraph:

The only rejection that remains in the present application is for lack of definiteness under 35 U.S.C. § 112, second paragraph. The Examiner objects to the inclusion of "aroyl" and "heteroaroyl" alongside "acyl" in certain definitions that are found in claims 1, 78-80 and 84-88. As noted above, the term "acyl" has been cancelled from claim 86 while the terms "aroyl" and "heteroaroyl" have been cancelled from claims 1, 78-80, 84-85 and 87-88. Applicant respectfully submits that the amended claims therefore comply with 35 U.S.C. § 112, second paragraph. Withdrawal of the rejection is therefore respectfully requested.

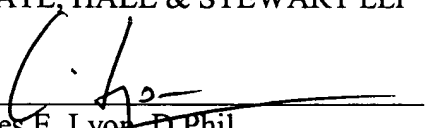
Applicant notes that these claim amendments are made without prejudice and without intent to abandon any originally claimed subject matter. Indeed, as noted above, cancellation of "aroyl" and "heteroaroyl" from definitions that also include "acyl" has no effect whatsoever on the scope of those definitions. Besides, Applicant has expressly added new dependent claims 91-94 that specifically cover the narrower "aroyl" and "heteroaroyl" embodiments.

Conclusion:

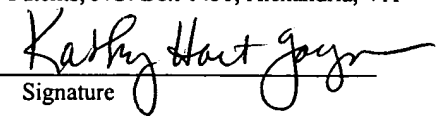
For the reasons presented above, it is submitted that the pending claims are allowable. If the Examiner feels that a telephone interview would expedite the prosecution of this case towards allowance he is invited to contact the undersigned at 617-248-4793. In addition, please charge any fees that may be required, or credit any overpayment, to our Deposit Account No. 03-1721.

Respectfully submitted,
CHOATE, HALL & STEWART LLP

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Charles E. Lyon, D.Phil.
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Limited Recognition Under 37 CFR §11.9(b)

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